

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CENTER FOR BIOLOGICAL DIVERSITY,

No. CV-08-2999 MMC

Plaintiff,

JUDGMENT IN A CIVIL CASE

v.

MICHAEL CHERTOFF, et al.,

Defendants.

() Jury Verdict. This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

(X) Decision by Court. This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS SO ORDERED AND ADJUDGED

1. To the extent plaintiff alleges violations of the ESA arising from the Coast Guard's asserted implementation of or actions under the TSS off San Francisco or the TSS in the approaches to Los Angeles-Long Beach, such claims are DISMISSED without prejudice for lack of jurisdiction.

2. To the extent plaintiff alleges violations of the ESA arising from the Coast Guard's asserted implementation of or actions under the TSS in the Santa Barbara Channel, or from other asserted shipping traffic management actions in the Santa

1 Barbara Channel, defendants' motion for summary judgment is hereby GRANTED,
2 and plaintiff's motion for summary judgment is hereby DENIED.

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6 Dated: April 1, 2009

Richard W. Wieking, Clerk

Tracy Lucero

By: Tracy Lucero
Deputy Clerk